

Daines	Lujan	Schatz
Duckworth	Lummis	Schmitt
Durbin	Manchin	Schumer
Ernst	Markey	Scott (FL)
Fischer	Marshall	Scott (SC)
Gillibrand	Menendez	Shaheen
Graham	Merkley	Sinema
Grassley	Moran	Smith
Hagerty	Mullin	Stabenow
Hassan	Murkowski	Sullivan
Hawley	Murphy	Tester
Heinrich	Murray	Thune
Hickenlooper	Ossoff	Tillis
Hirono	Padilla	Tuberville
Hoeven	Paul	Van Hollen
Hyde-Smith	Peters	Vance
Johnson	Reed	Warner
Kaine	Ricketts	Warnock
Kelly	Risch	Warren
Kennedy	Romney	Welch
King	Rosen	Whitehouse
Klobuchar	Rounds	Wicker
Lankford	Rubio	Wyden
Lee	Sanders	Young

## NOT VOTING—4

Coons	Fetterman
Feinstein	McConnell

(Mr. HICKENLOOPER assumed the Chair.)

The PRESIDING OFFICER (Ms. CORTEZ MASTO). On this vote, the yeas are 96, the nays are 0.

Three-fifths of the Senators duly chosen and sworn, having voted in the affirmative, the motion is agreed to.

FIRE GRANTS AND SAFETY ACT—  
MOTION TO PROCEED

The PRESIDING OFFICER. The clerk will report the motion to proceed.

The legislative clerk read as follows:

Motion to proceed to Calendar No. 28, S. 870, a bill to amend the Federal Fire Prevention and Control Act of 1974 to authorize appropriations for the United States Fire Administration and firefighter assistance grant programs.

The PRESIDING OFFICER. The Senator from Maryland.

PROVIDING FOR CONGRESSIONAL  
DISAPPROVAL UNDER CHAPTER  
8 OF TITLE 5, UNITED STATES  
CODE, OF THE RULE SUBMITTED  
BY THE DEPARTMENT OF THE  
ARMY, CORPS OF ENGINEERS,  
DEPARTMENT OF DEFENSE AND  
THE ENVIRONMENTAL PROTECTION  
AGENCY RELATING TO RE-  
VISED DEFINITION OF WATERS  
OF THE UNITED STATES

Mr. CARDIN. Madam President, I ask unanimous consent that notwithstanding rule XXII, the Senate proceed to the immediate consideration of H.J. Res. 27, which is at the desk; and that at 2:30 p.m. today, it be considered read a third time and the Senate vote on the passage of the joint resolution without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the joint resolution by title.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 27) providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Department of the Army, Corps of Engineers, Department of Defense

and the Environmental Protection Agency relating to "Revised Definition of 'Waters of the United States'".

The PRESIDING OFFICER. The Senator from Maryland.

## SMALL BUSINESS

Mr. CARDIN. Madam President, I have the honor of being the chair of the Small Business and Entrepreneurship Committee here in the U.S. Senate, and there has been a lot of activity during the Biden administration that deals with our economy.

The Biden administration has a proud record of legislative accomplishments, from the American Rescue Plan to the bipartisan infrastructure bill, to the Safer Communities Act, to the Inflation Reduction Act, to the CHIPS and Science bill, to the PACT bill, and the list goes on and on. But I want to talk a little bit about the accomplishments under the Biden administration for small businesses, and I am very proud of what we have been able to do to help small businesses in our country.

We have 33.2 million small business owners in America. They are the drivers of our economy. We say they are the backbone of our economy; I think they are also the backbone of our communities. They create jobs, and they do most of the innovation that we see. It makes America more competitive and creates more job opportunities and economic opportunities.

Over 99 percent of our businesses in the United States are small businesses, and nearly 50 percent of all U.S. employees work for small companies. So it is critically important that we pay attention to our small businesses, and, of course, it was challenging during the COVID-19 pandemic.

I will just give you one example of why it is so important, giving one example in Maryland. I am sure you could give an example in every one of our States. This past Friday, I was at Sabatino's restaurant in Little Italy, Baltimore. We see many times that the economic growth of ethnic communities has been spurred by innovation by small companies. Sabatino's is one of those restaurants, which is iconic to Baltimore today. It was started in 1955 by two individuals, two immigrants who started Sabatino's restaurant. It is now an iconic restaurant in Baltimore where we like to go for good political discussion. It is in a pretty famous neighborhood. It is where NANCY PELOSI grew up. It has incredible food. It is for good company and good food, and it is an anchor in that community for its economic growth.

There are a lot of small business owners who are in that neighborhood who are continuing to provide job opportunities and economic growth and a future for Little Italy in Baltimore.

We could give many, many examples of that type of activity by a small company, a small business, that has really saved a neighborhood and preserved it for its future.

The Biden administration has a proud record in support of small busi-

nesses. Let me just give you some of the numbers. Twenty twenty-one was a record year for the growth of small businesses in this country. We had the largest number of new business growth, small business growth, in the history of America, and it was led by women-owned small businesses. Women of color led among the women business entrepreneurs.

This is attributable to the fact that the Biden administration has been concentrating on helping our small businesses but has paid particular attention to those small businesses located in traditionally underserved communities. That has led to programs that have helped. I will give you one example: women's business centers. The President announced just this week increasing the number of women's business centers in our community.

When President Biden took the oath of office, we had one women's business center in Maryland, and it was doing really great service, helping women get through the maze of bureaucracies and obstacles that were in their way to start a small business or grow a small business. It was located in Rockville, MD, and provided great help. Today, we have four women's business centers in Maryland, one located in Salisbury, which is a rural part of our State, to help women business entrepreneurs in rural Maryland. We have one at Morgan State University, a historic Black college in Maryland, and it is an HBCU that has provided tremendous opportunities for minority business owners. We just recently opened another women's business center at Bowie State University, an HBCU in the Washington area, in Prince George's County.

These are concrete steps the Biden administration has taken to not only grow our small business opportunities in America but to make sure we pay attention to those who have been left behind in the past.

Let me just give you another example of how we have delivered through the Biden administration to help our small business community.

We delivered for the people, for individuals like Carl Williams of Los Angeles, who founded Royal Men Solutions. After he was released from prison, Carl heard about the Minority Business Development Agency's Entrepreneurship Education for Formerly Incarcerated Persons Center in Los Angeles. His dream of becoming a third-generation carpenter and making his father proud took flight through this program.

Carl explains, and I quote:

The information the MBDA Center afforded me was invaluable, teaching me the elevator pitch, understanding my competition, standing out as a custom furniture builder, and knowing my value. All of their advice was an intricate part of my growth and development in the business world.

Well, one of the great accomplishments of the Biden administration was to help our returning citizens, those impacted under the criminal justice system, to give them an opportunity,

and they are taking advantage of that thanks to the Biden administration.

Also in the Biden administration was the passage of the bipartisan infrastructure package. Through the bipartisan Infrastructure Investment and Jobs Act, we were able to pass legislation that establishes in statute the Minority Business Development Agency that Carl depended upon—the MBDA.

We authorized \$110 million per year for the Agency through fiscal year 2025 and elevated the office by creating an Under Secretary position to lead the Agency. The funds will expand the geographic reach of the MBDA by authorizing the creation of regional MBDA offices and rural business centers and creating the Parren J. Mitchell Entrepreneurship Education Grants Program to support minority entrepreneurs at HBCUs and MSIs.

I particularly like the program being named after the former Congressman Parren J. Mitchell, a Congressman from Baltimore, who was chair in the House of Representatives of the Small Business Committee and was responsible for our first efforts to set aside to help small businesses and minority small businesses.

We delivered for founders like Miles Barr, Richard Lunt, and Vladimir Bulovic, who at MIT imagined a world where they could seamlessly help limit our carbon footprint through transparent solar technologies. The company has already started producing small-size windows that reduce energy and may help reduce our total national energy consumption by up to 12 percent. Thanks to funding from the Small Business Innovation Research or SBIR Program, as we all know it, they were able to spin out of MIT and embark on this private endeavor.

In the 117th Congress, with President Biden's leadership, we were able to extend the life of and improve the SBIR and STTR Programs. Through the SBIR and STTR Extension Act of 2022, the Small Business Innovation Research and the Small Business Technology Transfer Programs were reauthorized, including their related pilot programs, through September 30, 2025. The legislation also includes language that ensures the largest SBIR and STTR award winners are adequately transitioning and commercializing their technologies.

These actions we take have real consequences. These are companies that need to have that ability to participate in government research. That is what the SBIR Program and the STTR Program do. The Federal Agencies that have the largest amounts of research must engage smaller companies.

Now, guess which Agency is the strongest proponent of the SBIR Program that we reauthorized under President Biden's leadership? It is the Department of Defense because they know these small, innovative tech companies are going to give them the technology they need to keep America safe, and they are.

I look at my own State of Maryland, where we are blessed to have so many high-tech companies that are working in defense, working in healthcare, working in communications, and working in the environment and energy. Thanks to our actions, these companies can now grow and do their work and help our country solve our problems through the passage of the SBIR and STTR Extension Act of 2022.

The Biden administration delivered for veterans, women entrepreneurs, rural communities, and the mom-and-pop shops that keep our communities vibrant.

Because of COVID-19, we knew this was not a time to sit back and watch the small businesses we loved close their doors. Instead, we rolled up our sleeves and took care of Main Street. While we saw too many small businesses close, we saw many of them come back stronger than ever before, and entrepreneurs did the same. In a remarkable comeback under the Biden administration, we have seen 10.5 million new business applications, making 2021 and 2022 record years.

Through the Inflation Reduction Act, we helped small businesses reduce their energy costs while improving their environmental sustainability.

Through the bipartisan Infrastructure Investment and Jobs Act, small businesses across the country will receive the help they need to modernize the way they do business in order to grow and succeed.

Look, I want American entrepreneurs and small business owners to know that they should dream big. Our Nation is on path to make those big dreams a reality. I am very proud of the progress we have been able to make during these past 2 years. I am looking forward to working on behalf of small businesses in this Congress with my partner Senator ERNST on the Small Business Committee.

I just want the small business owners of America to know that we are on their side, and we are going to continue to provide the help so they can help America grow. They are the backbone of our economy and the backbone of our communities, and we stand with them.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. LUJAN. Madam President, I come before this Chamber alongside my colleagues from Maryland and Nevada to talk about the importance of our small businesses in New Mexico and across the country.

I also want to thank the chair of the Small Business Committee, Mr. BEN CARDIN, for the work he has consistently done, his leadership in this space, but his understanding of what is happening across the country and the need to fight alongside our small businesses to make things better for them. So I want to thank the chairman as well.

For the past 2 years, the Senate Democratic majority and the White

House have made it our mission to support and revitalize the small businesses that are the backbone of our local communities. We have been hard at work building economic security for the middle class, putting people back to work, and investing in the American dream.

I know every Senator in this Chamber and all Americans have a small business they depend on to get from one place to another, from one day to the next. For me, one of them is in Santa Fe, NM, Midtown Bistro, an incredible location run by a very extraordinary family. Anytime you want a good meal and a warm welcome, you just go on down to Midtown Bistro. This was the dream of restaurant owners Edmund Catanach, Melissa Salazar, and Angel Estrada—to make folks feel at home, and they do.

But when the COVID-19 pandemic hit, restaurants and small businesses all across America struggled to make ends meet without daily customers or revenue. Midtown Bistro, like so many family-owned small businesses, looked to the Federal Government and received a grant to keep things running and fulfill payroll each and every week. Melissa said that without those funds, they would have had to close their doors after decades of serving the Santa Fe community. Thankfully, that didn't happen.

Edmund, Melissa, and Angel's story is the story of thousands of small business owners who earned grant funding from the Federal Government in the wake of the COVID-19 pandemic. We are extremely proud to have secured more than \$169 million in restaurant revitalization funds for restaurants like theirs throughout New Mexico. And that does not include everyone.

One of the first things congressional Democrats did when President Biden took office 2 years ago was expand the Paycheck Protection Program, the Economic Injury Disaster Loan Program, and the Shuttered Venue Operators Grant Program. These expansions helped the smallest businesses—especially in rural areas—that were still hurting from the pandemic try to get back on their feet, keep workers on the payroll, keep their doors open.

Democrats have always made it a priority to help folks who need it most. This kind of relief is vital for keeping the heart of America's economy alive.

For a lot of people, it is the late-night diner that serves up the best cup of coffee in the country before the morning work shift begins or the local cobbler, who knows exactly how you like your work boots to be resoled, or the plumber you can call any time of the night to fix a leaking pipe.

All of these small businesses started with a dream, a desire to make things better, to help people. I know the heartbreak COVID-19 brought on a lot of our small businesses and people all across America—local staples that bring so much vibrance and life to our communities.

However, in the face of a nationwide tragedy, our small businesses didn't throw in the towel and call it quits. Instead, they got creative, like Midtown Bistro turning an outdoor space into a new way to safely reach their community. Our small businesses continued to provide vital services that helped our economy and kept it afloat through these really tough times. For that, I just want to say thank you to all of them.

This Chamber must continue supporting the countless small businesses that keep our economy and our country moving forward. Senate Democrats will continue pushing for expanded opportunities for small businesses to access the capital and credit they need to start or expand businesses, which will, in turn, get more Americans back on the job, create more opportunities and more successful ventures.

One big hurdle that keeps small businesses from unlocking their full potential is not being connected to affordable, high-speed internet to create a website and access the online economy.

I am very proud to have been part of the team and a family that is going to make that possible for people all across the country. There are many ways we can work together, but I am very proud of my colleagues, of what I have learned, and, again, I thank our chairman for leading the conversation in that committee and driving home policies so that we can act to make a difference in the lives of those who have invested in and started small businesses.

We can do more and we can do better, but I am very proud of how we have been able to get things done that make a benefit in people's lives today.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Madam President, I want to thank Senator LUJÁN for his leadership on behalf of small businesses.

Senator LUJÁN is absolutely right. There are a lot of areas that are not necessarily within the jurisdiction of the Small Business Committee that directly affect small businesses, and one of those is access to broadband. Senator LUJÁN understands that for small businesses to succeed, they have to have access to affordable, high-speed internet.

And Senator LUJÁN has also been critically important in so many of the other areas—challenges that we have confronted, particularly during COVID. So I just want to thank him for his leadership on behalf of small businesses and the people of New Mexico.

We are joined on the floor by Senator ROSEN, and I just want everyone to know of her valuable contributions to the Small Business Committee. She has been one of the leaders during these 2 years with the record I just went over of accomplishments under the Biden administration. But she is a real leader in recognizing that, if we

are going to succeed with women entrepreneurs, we need to deal with childcare, and, today, small business tools are not fully available to small business operators of childcare. Senator ROSEN is our leader in trying to make sure that we correct that and do something about it.

I also appreciate her knowledge and understanding and leadership on the regulatory challenges that small businesses confront and taking on that challenge to see whether we can't provide some relief.

So I just really wanted to acknowledge her extraordinary work on behalf of small businesses in this country.

THE PRESIDING OFFICER. The Senator from Nevada.

Ms. ROSEN. Madam President, well, I want to thank Senator CARDIN for his leadership on small business. For the 4 years I have been here, he has been a friend and a mentor, and he has really encouraged me in so many ways to find my voice for Nevada, for this country, and I appreciate his leadership. Thank you.

And the Senator is right. Small businesses, well, they are the engine of the U.S. economy. They foster innovation. They create jobs. They provide a lifeline for families.

And, in Nevada, small businesses make up 99 percent of all businesses. Our small business economy, it is thriving. It is increasingly diverse, allowing many Nevadans to achieve the American dream by being entrepreneurs and providing for their families.

These businesses, they are crucial for Nevada's economy. We should encourage and support them by making it easier to start and operate small businesses, increasing access to capital to help them grow and succeed, and cutting through that redtape that is far too often a barrier.

So here in this Chamber, we must focus on helping small businesses overcome the enormous challenges that they face and the obstacles they experience just to get off the ground.

As a member of the Senate Committee on Small Business and Entrepreneurship, my top priorities have been expanding resources in support for Nevada's small business—the owners, the employers, and their workers. And so from introducing a bipartisan bill to help those graduating from minority-serving institutions to open a business to sponsoring bipartisan legislation to help veterans start small businesses in underserved communities, to urging the Small Business Administration to open a Veterans Business Outreach Center in Nevada, I have been fighting for businesses time and time again, and I will keep fighting.

I am also working in a bipartisan way to make small, nonprofit childcare providers eligible for Federal resources so that they can grow, create jobs, and provide more affordable childcare options in all of our communities. And this just means so much to our fami-

lies. It gives them so much peace of mind.

And I am going to continue, as well, to advocate to open up Federal loans for State-legal cannabis small businesses. They are job creators in our State and in a growing number of States across the country.

And we can also help our small businesses by reducing the burden that entrepreneurs face, well, when they get started. The exhaustive hoops that American entrepreneurs have to frequently jump through—from obtaining permits to fulfilling licensing requirements—well, it can be a real challenge for people just to get those businesses off the ground.

And so that is why I am proud to announce that, today, I am introducing bipartisan legislation to help small businesses by cutting through the bureaucratic redtape that often prevents them from getting off the ground.

My legislation would create a centralized website. This website, entrepreneurs can come and visit to get all the information they need from the Small Business Administration on Federal, State, and local licensing and business permitting requirements, with information and resources all in one place, because I believe we should be making it easier to start a small business, and we must make sure that entrepreneurs are in the best position to succeed right from the beginning. And having them going to a one-stop website, that is a start because I know that when we invest in our small businesses and our entrepreneurs, when we invest in our communities, when we invest in our hard-working families, well, together, we create a successful future for our State and for our country.

And so I urge my colleagues from both sides of the aisle to join me in cutting redtape, bringing down those barriers, and increasing information access for all of our small businesses.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Madam President, again, I want to thank Senator ROSEN for her leadership, and we certainly are looking forward to taking up the legislation that she has introduced.

H.J. RES. 27

Madam President, I know we are on debate on the waters of the United States.

The rule provides for exceptions for ranchers and farmers. I would hope that we reject the resolution.

I would like to start my statement of support for a strong definition of "waters of the United States" with a reflection on the history of the Clean Water Act.

Congress overhauled the Federal Water Pollution Control Act, originally enacted in 1948, with amendments in 1972 that gave the act its current dimensions. The 1972 legislation spelled out ambitious programs for water quality improvement that industries and municipalities are still implementing today.

The 92nd Congress held a series of votes on the Federal Water Pollution Control Act Amendments of 1972, which would later come to be known as the Clean Water Act. The Senate passed the bill, which came out of a conference committee with the House after 39 meetings, by a vote of 74 to 0. The House passed the bill by a 366-to-11 vote.

Nineteen-seventy two was a Presidential election year. Despite a first term notable for its landmark environmental achievements, President Nixon vetoed the bill in an attempt to set himself apart from his opponent, George McGovern.

Bipartisan majorities in both the House and Senate overrode President Nixon's veto, and the bill became law on October 18, 1972. The Senate vote was overwhelming. Meanwhile, State and local leaders, as well as advocates of all stripes, were central in the push for this legislation to be enshrined in law.

Contrast this show of congressional unity with our situation today, where we are relying on President Biden for his veto if the Senate passes this joint resolution of disapproval of the rule the U.S. Army Corps of Engineers and the Environmental Protection Agency—EPA—jointly submitted relating to “Revised Definition of ‘waters of the United States.’”

The rule under attack finally delivers a clear, workable definition. On December 30, 2022, the Agencies announced the final “Revised Definition of ‘waters of the United States.’” rule. On January 18, 2023, the rule was published in the Federal Register.

The Agencies' final rule establishes a clear and reasonable definition of “waters of the United States” and reduces the uncertainty from constantly changing regulatory definitions that has harmed communities and our Nation's waters.

This commonsense, science-based approach recognizes that pollution upstream can have downstream impacts, so we must protect the system to safeguard downstream communities and our environment. The rule also maintains longstanding Clean Water Act permitting exemptions for routine farming and ranching activities.

The rule ought to be durable in part because it was informed by extensive public comment to establish a definition that supports public health, environmental protection, agricultural activity, and economic growth. In developing the proposed rule, EPA and the army reviewed and considered the extensive feedback and recommendations the Agencies received from States, Tribal governments, local governments, and stakeholders through consultations, meetings, and webinars.

In 2017, Chairman CARPER and I led 19 Senators in a letter to then-EPA Administrator Scott Pruitt opposing the Trump administration EPA's plan to repeal the 2015 Clean Water Rule, which would have weakened safeguards for the Nation's waterways.

Last year, on February 28, 2022, 13 Senators joined me in a letter to the EPA applauding the rule to revise the definition of “waters of the United States.” Our letter explained how the rule takes significant and positive steps toward restoring strong clean water protections that are critical to meeting the Biden administration's commitment to environmental justice.

Clean water is essential for improving public health outcomes through the provision of safe, affordable drinking water for all Americans, no matter their location.

In the interim, I led a bicameral letter with my Chesapeake Bay watershed colleagues to Michael Regan, who is currently the EPA Administrator, and to Lieutenant General Scott Spellman, the Chief of Engineers and Commanding General of the U.S. Army Corps of Engineers.

We urged them to rescind the harmful Navigable Waters Protection Rule the Trump administration implemented, and replace it with a rule that restores strong Clean Water Act protections to the Chesapeake Bay and other waterways and wetlands across the country.

The Bay receives half of its water from a network of 110,000 streams and 1.7 million acres of wetlands, most of which are non-navigable tributaries and non-tidal wetlands that drain to those tributaries. Scientific research attests to the critical importance of small headwater streams in removing pollution from higher-order streams and rivers, and in preserving aquatic and riparian life throughout the entire system.

Small streams and wetlands do not just provide habitat for wildlife and trout and other fisheries that enhance outdoor recreation opportunities; they also clean water for farmers that drive our economy through the production of food.

Water pollution has never respected political boundaries. Using the Congressional Review Act to attack this thoughtfully crafted rule would be a mistake for healthy watersheds and clean water supplies across the country.

I urge all my colleagues to reject this damaging resolution.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. MARSHALL. Madam President, I rise today in support of the joint resolution for congressional disapproval striking down the President's revised definitions of waters of the United States.

As a fifth-generation farmer, I know how hard-working Kansas farmers work daily to protect our environment and conserve our precious resources. Farmers serve as our land's original and best stewards. We all want to leave this world cleaner, healthier, and safer than we found it.

Since coming to Congress, we have worked hard alongside our farmers and ranchers and rural landowners to en-

sure our waters become cleaner and healthier and, at the same time, protect our land and water from aggressive government overreach.

This includes working with the previous administration to roll back purposeless, “one size fits all” Federal WOTUS regulations that drive up the cost of doing business for Kansans and are detrimental to their ability to care for their crops and livestock.

As Kansas farmers, ranchers, businesses, and even municipalities know all too well, the Obama-era definition of WOTUS in 2015 dramatically expanded the Federal Government's reach with minimal improvements in water quality.

Today, this White House's reckless expansion of the WOTUS rule only adds more regulations, more redtape, and costs to everyday life in Kansas. This level of Federal overreach is harmful and ill-advised.

It is important to note that my colleagues and I requested the administration suspend the rulemaking until the Supreme Court completes its consideration of *Sackett v. EPA*. This would allow Congress to craft a lawful, predictable, and reasonable rule.

But this request has fallen on deaf ears. Moving forward with this rule is the administration's attempt to revive the Obama-era WOTUS rule, which was rightfully blocked in nearly half of the United States due to litigation in courts across the country.

Now, as the saying goes, history repeats itself, and a Federal judge recently blocked the implementation of the brandnew rule in Texas and Idaho.

Now, back home, my farmers are already bracing for the impact. In fact, I heard from one organization that said:

Farmers and ranchers should not have to hire a team of lawyers and consultants to determine how we can farm our land.

And I agree.

Kansan after Kansan I have met with on this issue has told me this administration didn't consider their input on the new WOTUS definition, further proof of the clear disconnect between DC bureaucrats and the hard-working farmers and ranchers who provide our Nation's food.

Agriculture, oil and gas, energy, the housing industry, road builders, bridge builders, construction workers, and municipalities have all voiced their disapproval of the rule and the costs of the negative impacts that its adoption will have on American industries and consumers.

It seems this administration only listens to radical environmentalists rather than the hard-working, pragmatic voices of the people who love the land which has been handed down from generation to generation, just like in my family—people who care every bit about the environment as any soul on Capitol Hill does. These are the same people who feed, fuel, and clothe America.

This rule is the Biden administration's attempt to federalize our waters

and take control of our private land and leave our producers with more questions than answers, more costs than gain.

In fact—get this—mitigation costs related to the current White House WOTUS may cost farmers and ranchers over \$100,000 per acre. The value of this land itself might be \$1,000, \$2,000, maybe \$5,000 an acre, but mitigation will cost us \$100,000 per acre.

Let me ask a couple of simple questions: Should a dry creek that only has water run through it during a rain be a waters of the United States?

Should plays in western Kansas be a waters of the United States?

Should ditches draining into a dry creek bed be a waters of the United States?

Should water trickling off the terraces my grandfathers built 50-some years ago to prevent soil erosion and the tall lush grassy waterway that is home to pheasants and quail and turkey and deer and rabbits—should this be a waters of the United States?

Under President Biden's rule, the EPA and the Army Corps of Engineer will attempt to answer these questions on a case-by-case basis, meaning that the answer and the cost might change every time. That is no way to do business.

In a time of economic uncertainty, this unpredictable, ambiguous rule-making will amplify the efforts of inflation felt by ag producers and American consumers. No American industry would be safe from the impending rising costs, all while the Biden WOTUS rule fails to achieve the goal of improved water quality.

The regulated community spent the better part of the last decade trying to operate under several different definitions of "waters of the United States." We cannot allow the Biden administration to take us backward yet again.

Farmers and other ag producers are the original stewards of the land, and we all have a special interest in protecting the quality of our Nation's waters. Consistent and clear guidelines and regulations are key to such protections. We cannot keep moving the proverbial goalpost.

The Biden administration's failure to understand the ramifications of this is alarming. As Members of Congress, we must ensure agricultural producers and other stakeholders have the regulatory certainty to take care of our Nation's land and water resources, the lands and waters that we love, the lands and waters that we are leaving to the next generation—to my children and to my grandchildren.

I, therefore, urge the support of the Joint Resolution for Congressional Disapproval, striking down this administration's revised definition of "waters of the United States."

I yield the floor.

The PRESIDING OFFICER (Ms. ROSEN). The Senator from Delaware.

Mr. CARPER. Madam President, I believe I have 15 minutes to speak.

The PRESIDING OFFICER. There is not an order for time.

Mr. CARPER. I would ask that I be granted 15 minutes to speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARPER. Madam President, I rise today in strong opposition to H.J. Res. 27, a Congressional Review Act resolution to disapprove the Biden administration's rule defining the "waters of the United States," or WOTUS, as it is popularly known.

To many Americans, the definition of the "waters of the United States" may not seem like a controversial matter. To understand why it is, though, we need to first ask ourselves, how did we get here to this point?

Well, a little more than 50 years ago, Congress came together to pass the Clean Water Act. In doing so, Congress affirmed our Nation's commitment to protecting and restoring waterways from industrial pollution. Until that point, our Nation's waters—which were and continue to be critical to our health, to our environment, and our economy—were subject to indiscriminate pollution and destruction. Polluters could dump their waste into upstream waters without consequence.

In fact, some of you may recall that the Cuyahoga River in Northern Ohio was so polluted that it caught fire in 1969, not far from where I went to college as a Navy ROTC midshipman during the Vietnam war. The memory of that fire remains with me still today.

When Congress passed the Clean Water Act, there was no confusion—no confusion or uncertainty—about what it was seeking to protect. At the time, there was broad bipartisan concern over the health of our Nation's waters. There was also consensus that we needed to fix a very real and a very costly problem. America's waters needed once again to be drinkable; they needed to be swimmable; and they needed to be fishable.

During the Senate debate on the Clean Water Act all those years ago, Democrats and Republicans alike spoke in support of the legislation. Senator Ed Muskie, a Democrat from Maine and the bill's lead sponsor said:

[T]he rivers of this country serve as little more than sewers to the seas. Wastes from cities and towns, from farms and forests, from mining and manufacturing, foul the streams, poison the estuaries, threaten the life of the ocean depths. The danger to health, the environmental damage, the economic loss can be anywhere.

That is his quote from all those years ago.

Senator Howard Baker, if you recall, a Republican from Tennessee who was also a Republican leader in this body for a number of years had these words to say:

[T]he economy of this Nation can absorb the costs of cleaning up pollution without inflation or without a loss in economic productivity.

He went on to say these words:

If we cannot swim in our lakes and rivers, if we cannot breathe the air God has given us, what other comforts can life offer us?

Senator Baker's words were true then, and they ring true still today. Thanks to the Clean Water Act, our Nation's waters are remarkably cleaner than they were five decades ago. The same Cuyahoga River that caught fire all those years ago is now cleaned up and home to more than 60 species of fish.

The simple fact is the Clean Water Act remains our best tool to safeguard our nation's waters from persistent pollution, protecting our health, protecting our environment. We cannot afford to turn back the clock on these protections for our Nation's waters and those who depend on them.

In a nutshell, that is why I support President Biden's commonsense rule defining which of our Nation's waters need to be protected under the law. It is also why I oppose—what I believe to be—a misguided Congressional Review Act resolution to invalidate it.

After multiple administrations' failed attempts to create a lasting WOTUS definition, the 2023 Biden rule represents—what I believe—is a fair balance. The rule protects our Nation's waters and wetlands and provides flexibility for those who need it. And that last "and" is important—and provides flexibility for those who need it. And, particularly, the Biden rule thoughtfully responds to many concerns that the agricultural community in my State and in other States have voiced over the years.

In fact, the Biden rule makes agricultural exemptions clearer and more consistent with other existing regulations. For example, the rule includes express exemptions for farming on land designated by the U.S. Department of Agriculture as prior converted cropland, an exemption long-sought by the agriculture community in my State and, I suspect, in most of the other 49 States. According to the American Farm Bureau, there are approximately 53 million acres of prior converted cropland in the United States—that is 53 million acres of farmland that the Biden rule makes clear should not be regulated—should not be regulated—53 million—million with an "M."

If the CRA resolution of disapproval were to become law, it would overturn this important clarification for agricultural activities under the Biden rule, including the one I just mentioned. The Environmental Protection Agency and the Army Corps of Engineers would also be prohibited from developing substantially similar regulations in the future. All of this would lead to confusion and uncertainty from our farmers and ranchers. We don't need more uncertainty; we need less.

Many of our colleagues who oppose the Biden rule say they prefer the Trump administration's so-called Navigable Waters Protection Rule. I would like to remind them that the Trump rule actually earned its name, I think, for good reason—Trump's dirty water rule was vacated not just by one court but by multiple courts. I think at least

two Federal courts vacated that rule. These court rulings found that the Trump rule failed to fulfill the requirements of the Clean Water Act. Overturning the Biden rule will not bring the Trump rule back.

I will say that again. Overturning the Biden rule will not bring the Trump rule back. The courts have already spoken—not once, but twice—with respect to the Trump rule.

Instead, all that this CRA would accomplish is to create a new phase of litigation and even more uncertainty, neither of which we need. We have also heard some of our colleagues argue that protecting streams and wetlands under the Clean Water Act is an overreach. The science, however, is abundantly clear. The health of our waterways is inextricably linked to our streams and to our wetlands. As we all know, wetlands are valuable for our economy, our environment, and our planet.

So how is that, you might ask? How is that? Well, wetlands protect our communities from dangerous and costly flooding. One acre of wetlands can store up to 1.5 million gallons of floodwater. In total, that means that wetlands in the United States provide \$2.9 trillion in value just by reducing and delaying floods. That is more than the GDP of every State and territory in 2022, except maybe for California. It is also worth noting that nonflood plain wetlands buffer floodwaters by capturing runoff during storms.

So when I hear the criticisms that the Biden WOTUS rule is bad for our economy, put plainly, I could not disagree more. Some may say that our Nation cannot afford the level of protection for our waterways and wetlands provided by the Biden rule. As it turns out, the converse is true: We cannot afford not to protect it.

The reality is that because of the interconnectedness of our waterways, streams, wetlands, oceans, and estuaries, how private property owners manage their land has the potential to affect us all. If your upstream neighbor pollutes the water or drains a wetland, that can impact your property too. Similarly, what one State does can impact neighboring States as well as States even further downstream.

May I add one other thing? The Clean Water Act reminds us of the moral obligation all of us have to follow the Golden Rule: to treat others the way we want to be treated. The Biden rule requires us to be good neighbors and stewards of our planet, while also providing flexibility for those who need it. I, for one, am grateful for that.

As the late Senator Baker put it more than 50 years ago, right here on this very floor, he said.

[I] have found that the kind of natural environment we bequeath to our children and grandchildren is of paramount importance.

Those words were true then, and they are even more true today.

So let me say this again: The planet that we bequeath to our children and

the planet that we bequeath to our grandchildren is of paramount importance to them, and it is also to us as their parents and their grandparents. With that thought in mind, I strongly urge my colleagues to join me in opposing H.J. Res. 27.

Madam President, I was coming down on the train today and thought about a visit I paid to a farm probably about a half dozen years ago. It was a beautiful day like today, and we had farmers—scores of farmers who were there. It was organized, I believe, by the Delaware Farm Bureau.

We had people from the administration, the Senate Democratic administration, who had come. And they had come to listen, to hear from the farmers that were gathered, their concerns with an earlier version of this rule, the waters of the United States rule. And the farmers, among other things, said: We want some certainty. We want some predictability, and we want you to listen to us. We want you to listen to our thoughts, and we want you to make sure that the next time you write something like this, you take our thoughts into consideration.

I don't have time in the short time that has been allotted to me to go chapter and verse about the words that were spoken by farmers in my State on that day, but the words that have been spoken by farmers all over this country in the weeks and months since then have been taken into effect, and simply saying that they have been ignored is just not true. It is just not true.

Changes have been made, and they are reflected in the document that we are going to be voting on here in a bit—reflected in the good work that has been done by this administration.

How much time do I have left, Madam President?

The PRESIDING OFFICER. You could speak as long as you like.

Mr. CARPER. That could be scary.

The PRESIDING OFFICER. I'm sorry. The vote is in 15 minutes.

Mr. CARPER. Madam President, I think we have another Senator from West Virginia that is ready to speak over here.

I want to just close with this. The U.S. Department of Agriculture stands ready to work with farmers and ranchers to assist them with compliance. I will say that again: The U.S. Department of Agriculture stands ready to stand with farmers and ranchers to assist them with compliance.

Finally, I think this is a moderate rule that thoughtfully responds to the concerns of farmers and ranchers. I met with Administrator Regan personally. This is not the Trump rule, and this is not the Obama rule. It is a compromise, and I think it is one that deserves to be supported.

So I would ask for a vote that is against the measure that is before us today.

I yield to the Senator from West Virginia.

The PRESIDING OFFICER. The Senator from West Virginia.

Mrs. CAPITO. Madam President, I want to thank the chair for presenting his side of the argument.

Now I think we are going to hear the other side of the argument on why taking this rule down will pass today—because of the strong opposition to it.

Today, we are going to have the opportunity to bring a divided Congress together, united in rejecting misguided and unnecessary overreach by the executive branch.

In its attempt to regulate basically anything and everything, the Biden administration, once again, overstepped its boundaries in the Waters of the United States rule, or WOTUS, as we have heard, and they did this this past December. It is the third major change in 8 years. The chairman talked about all of the uncertainty. This is the third change in 8 years to the definition of what "waters" are and what is a subject of Federal jurisdiction. With this comes more uncertainty, more redtape, and more government for millions of Americans.

It is clear we need to take action in the face of this burdensome rule, and it is exactly why I have introduced the Congressional Review Act resolution of disapproval that we are about to vote on. So let's take a look at the new rule issued by the EPA and the Army Corps of Engineers.

President Biden's new WOTUS rule repeals the 2020 navigable waters protection rule that provided predictability and certainty for our farmers, our ranchers, our miners, our infrastructure workers, our homebuilders, and our landowners such that they can rely on. That 2020 waters rule properly implemented the Clean Water Act by protecting America's waterways through coordination and cooperation between the States and the Federal Government. Who knows their States better than the State regulators?

This new definition, however, drastically expands Federal jurisdiction over streams, wetlands, and private property at the expense of the States and their citizens. It also adopts a subjective "significant nexus" test for determining what is and isn't subject to Federal regulation under the Clean Water Act, up to and including dry ditches—it doesn't sound like a navigable water to me—that could fill with rain during a storm event even in the middle of the desert.

To sum it up, the Biden administration's WOTUS rule tells States and individuals that the Federal Government knows best. It is true to form for this administration so we shouldn't be too surprised.

It is also important to note that this is all happening while there is a pending court case at the Supreme Court, right now, that will make many of these same determinations, but they couldn't wait. Of course, they couldn't wait. They had to grow the Federal Government's authority and redesignate waters that had never been designated before.



So let's take a look at the impacts this WOTUS rule would have on farmers and on small businesses.

There are 17,000 small businesses in the small State of West Virginia that will be impacted by this rule and our own ability to build in the future. We should be setting predictable, reliable policy for America's farmers and ranchers. Instead, under the Biden WOTUS rule, if I am a rancher in Arizona or a cattle farmer in Montana or own a family farm in West Virginia, I will literally have less control over my own land. Previously converted cropland and even irrigation ditches may now require a permit under this new regulation.

The American Farm Bureau says:

Farmers and ranchers should not have to hire a team of lawyers and consultants to determine how we can farm our land.

Do you know what will happen? They won't hire the team of lawyers. They just won't farm their own farmland. Yes, that is what millions fear from this new "waters of the United States" definition.

The National Association of State Departments of Agriculture says that this rule will "significantly increase the regulatory burdens and create further uncertainty for state departments of agriculture, farmers, and ranchers across the country."

Along with those who live and work in rural America, this rule will target employers of all sizes across our country as well. The National Federation of Independent Business writes that the Biden WOTUS rule will "make compliance a nightmare for small businesses," adding, "If there was ever a time to not impose additional burdensome regulations, that time is now."

Often the cornerstone of our communities, small businesses need policies that support, not penalize them.

Our Nation's future depends on our ability to build. That includes transportation, infrastructure, and energy projects of all kinds. President Biden knows that our Nation's broken permitting process threatens to undercut some of our own shared legislative accomplishments on infrastructure investment.

Yet, at a time when we should be streamlining our Nation's permitting and review process, the Biden waters rule makes things worse. It comes at a time when we are trying to build here in America. It will require more people and more projects to seek more Federal permits, which is time and money and doesn't improve the environmental oversight. The environmental oversight is there, but it will cause fear that the EPA will take enforcement action at any given moment with eye-popping fines.

The Associated Builders and Contractors writes that the Biden WOTUS rule will "cause building delays due to regulatory uncertainty, plus increased permitting and mitigation costs, which will make it more difficult and expensive to grow food, produce energy and

build critical infrastructure for the 21st century."

We have heard our Nation's farmers, small businesses, and our builders loud and clear: President Biden's waters rule is bad policy at an even worse time.

Now, I have been asked what a Congressional Review Act resolution would do, and during a recent Environment and Public Works hearing, this issue came up.

If approved by both Houses of Congress and signed into law, this resolution would overturn the overreaching and expansive WOTUS rule issued in December and return to a narrower and more practical definition that was put in place prior to 2015. You may hear that this will leave waters unprotected. That is simply not true. The regulatory authority for waters that are not navigable nor travel interstate will be returned to the States as Congress intended in the Clean Water Act.

Importantly, my resolution would prevent a substantially similar and overbroad definition from being written again. It would not prevent the EPA and Army Corps from issuing a narrower replacement rule that actually is common sense and addresses stakeholders' and elected officials' concerns and seeks to clarify the status quo.

As you have just heard, States and the regulated community, including farmers and ranchers, have been very clear in their conclusion, and I agree: The Biden final rule on WOTUS is a significant expansion—not a narrowing—of Washington's role in regulating land and waters across the country, and it creates more uncertainty than it cures.

The expansion of Federal authority and the encroachment on States' rights and private lands is the precise reason we have seen overwhelming support for my CRA resolution.

When I introduced this resolution of disapproval, I was proud to do so with our friends and counterparts in the House of Representatives. Led by House Transportation and Infrastructure Committee Chair SAM GRAVES, the House passed this measure with bipartisan support, including nine Democrat votes. It is important to note that two of these Democrat votes came from the ranking member of the House Agriculture Committee and the ranking member of the House Appropriations' Agriculture Subcommittee. These are folks who know the needs of our farmers and rural Americans very, very well and who bravely put the best policy forward ahead of partisan politics. So I thank them for their support in this effort.

It demonstrates, again, that it isn't about party; it is not about party lines. It is about standing up to the needs of those who live and work in rural America. Well, we can stand by them today. We can also give a boost to our future transportation, infrastructure, and energy projects of all kinds across our country.

With this resolution, we are sending a clear message that Congress, even a divided Congress, will defend working Americans in the face of Executive overreach.

With that, I appreciate the support we have received in our effort to place this important check on Executive overreach, and I encourage my colleagues to vote yes on my resolution of disapproval.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Madam President, I ask unanimous consent that the vote occur immediately.

The PRESIDING OFFICER. Without objection, it is so ordered.

VOTE ON H.J. RES. 27

Mrs. CAPITO. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Under the previous order, the joint resolution is considered read the third time.

The joint resolution was ordered to a third reading and was read the third time.

The PRESIDING OFFICER. The joint resolution having been read the third time, the question is, Shall the joint resolution pass?

The yeas and nays have been previously requested.

Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. COONS), the Senator from California (Mrs. FEINSTEIN), and the Senator from Pennsylvania (Mr. FETTERMAN) are necessarily absent.

Mr. THUNE. The following Senator is necessarily absent: the Senator from Kentucky (Mr. McCONNELL).

The PRESIDING OFFICER (Ms. BALDWIN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 53, nays 43, as follows:

[Rollcall Vote No. 79 Leg.]

#### YEAS—53

Barrasso	Graham	Risch
Blackburn	Grassley	Romney
Boozman	Hagerty	Rosen
Braun	Hawley	Rounds
Britt	Hoeven	Rubio
Budd	Hyde-Smith	Schmitt
Capito	Johnson	Scott (FL)
Cassidy	Kennedy	Scott (SC)
Collins	Lankford	Sinema
Cornyn	Lee	Sullivan
Cortez Masto	Lummis	Tester
Cotton	Manchin	Thune
Cramer	Marshall	Tillis
Crapo	Moran	Tuberville
Cruz	Mullin	Vance
Daines	Murkowski	Wicker
Ernst	Paul	Young
Fischer	Ricketts	

#### NAYS—43

Baldwin	Carper	Hickenlooper
Bennet	Casey	Hirono
Blumenthal	Duckworth	Kaine
Booker	Durbin	Kelly
Brown	Gillibrand	King
Cantwell	Hassan	Klobuchar
Cardin	Heinrich	Lujan

Markey	Reed	Warner
Menendez	Sanders	Warnock
Merkley	Schatz	Warren
Murphy	Schumer	Welch
Murray	Shaheen	Whitehouse
Ossoff	Smith	Wyden
Padilla	Stabenow	
Peters	Van Hollen	

## NOT VOTING—4

Coons	Fetterman
Feinstein	McConnell

The joint resolution (H.J. Res. 27) was passed.

The PRESIDING OFFICER. The junior Senator from Nebraska.

## MAIDEN SPEECH

Mr. RICKETTS. Madam President, I rise today humbled and honored to stand in this Chamber to represent the people of the great State of Nebraska.

The first time I walked into this Chamber, I got chills. This Chamber represents the hopes and dreams and aspirations of the American people; it represents the shared values we have had for nearly two-and-a-half centuries; it represents just how exceptional our Republic, how exceptional America is.

Today, it is all too easy to take for granted just how exceptional our great Nation is. Our Founders threw off the tyranny of a King with an idea. It was a really radical idea that our rights come to us directly from God, not from a King, and that governments were instituted to protect those rights. It was a brandnew idea that our rights are ours; that they are endowments from God, not consent from some government.

Even today, after 246 years, our founding principles are just as true. These values—like the rule of law, checks and balances, federalism—they are critical to our Republic. We are strongest when we follow them, and we are never weaker than when we stray from them.

We are also strong because of our Constitution. Our Constitution—forging a government of the people, by the people, for the people—is the greatest governing document ever written.

The primary purpose of our government is to secure people's liberty and happiness, their peace and prosperity, and we have done it really, really well for nearly two-and-a-half centuries. This is incredibly rare. We have created a bubble in world history. For most of human history, people have worried that somebody bigger than them would come and take their stuff or a foreign army would rampage across the landscape, burning down everything—not here in America.

Another advantage of our system is that it unleashes the power of individuals' unbounded potential. In America, it doesn't matter where you start; with enough grit and hard work, you can go anywhere. That is why the world wants to come here. That is why they send their best and brightest students to study and train here. That is why nearly every major innovation and breakthrough comes from America. That is why so many have sought a better life

in our great Nation. Through our strength, we remain the cornerstone of global peace and prosperity.

Our greatness is also reflected in our commitment to defend freedom here in this building, in our courts, and even on battlefields. It requires much of us as patriots and citizens, and if we are not vigilant, it could easily slip away. To paraphrase Ronald Reagan, freedom is only one generation away from extinction. We don't pass it on to our children in the bloodstream; it must be fought for each and every day.

We must not lose sight of the things that make America so exceptional. That is our commitment to our God-given liberties.

Our Founders were concerned that as government got too big, it would tend toward tyranny and rob people of their freedoms. Here in the Senate, if we continue allowing the Federal Government to grow too big and too intrusive, we risk our peace and prosperity; we risk losing the very values that have always made America great. However, if we hold on to those founding principles, we have a path to an even brighter future for this great Nation.

The Framers of our Constitution believed that government closest to the people is best able to serve them. This is common sense. What works in Nebraska may not work in New York. That is why we have the 10th Amendment to the Constitution—that the powers not specifically delegated to the Federal Government are reserved for the States and the American people. That is why top-down Federal mandates usually do more harm than good.

In my home State of Nebraska, we have shown America what is possible when the Federal Government gets out of the way and allows States to lead. We have proven that limited and responsive government works best.

During my time as Governor, we kept the size and scope of government small. We empowered people. We ran government more like a business. The reality is, when government works better, people are served better. We dramatically improved the level of services that we provided to Nebraska families. We got help to people in need faster than ever before. For example, we reduced the on-hold time for people calling our economic assistance phone line by 75 percent. We made it easier for citizens and businesses to work with the State. As an example, we cut the time it takes to issue a permit by nearly in half.

We achieved millions of dollars in savings while doing so. And do you know what saving money allows you to do? It allows you to give back to people their tax dollars in the form of tax relief. We provided billions of dollars in tax relief, including to our veterans and our seniors, by phasing out the taxes on their retirement income and Social Security.

We attracted new investments and jobs for communities big and small. We employed a record number of Nebras-

kans, and our unemployment rate fell to a historic low.

We made government work better. We proved that we can do a better job of providing services while controlling our costs. We also proved that we can respect people's freedoms and liberties while keeping people safe. During the pandemic, we kept kids in classrooms, people at their jobs, and government open. And we were ranked the No. 1 best pandemic response State.

All of this reflects our conservative Nebraska values. In Nebraska, we respect people's freedom. We value strong communities, family, and faith. We honor our law enforcement and our military. We expect a limited, accountable government. We believe in personal accountability and responsibility and the incredible potential of the individual. Nebraska is what America is supposed to be.

But, nationally, we have strayed from these values. Too many take our freedom for granted. Too many focus not on what is good but on their grievances. Too often, we hear resentment rather than reverence for the very principles that made this a great Nation. Too many have forgotten the old adage that a government big enough to give you everything you want is strong enough to take everything you have.

Massive and reckless spending to fund bigger programs has seriously weakened our economy. Families and businesses are struggling under the burden of high taxes, high inflation, and rising interest rates. A wave of job-killing regulations from Washington is harming American agriculture and industry.

At the same time, the Federal Government is failing in many of its most basic responsibilities, like keeping us safe. Undeniably, national security is paramount to the Nation's freedom and prosperity. It is the Federal Government's most important responsibility, but the Biden administration has turned a blind eye to the humanitarian and security crisis at our southern border.

Vulnerable people are dying, victims of the cartels. Fentanyl and other dangerous drugs are flooding into our Nation. So are suspects on our terrorist watch list. And what comes across the border, whether it is the drugs, the criminals, or the human trafficking victims, they don't stay there. They impact every community. It is costing Americans their lives.

Taryn Lee Griffin was a 24-year-old mom of two when she died in Lincoln, NB, of a drug overdose. She was out with friends when she took a pill she thought was a prescription drug. It was laced with a lethal dose of fentanyl. Her mom, Liz, said: Our daughter is everyone's daughter. She is right.

Our sons and daughters, our friends and neighbors, they are paying the price for this crisis with their lives every day. It is shameful and unacceptable.

This administration's incompetence on the southern border is matched by



its foreign policy blunders. The disastrous withdrawal from Afghanistan projected weakness to our friends and adversaries, and American servicemembers lost their lives, including Nebraskan Cpl Daegan Page.

Unbelievably, we left Americans behind and abandoned our Afghani security partners. Our allies are seriously questioning our commitment to our friends.

And, even worse, the bad guys, our adversaries—like the Chinese Communist Party, regimes in Russia, Iran, and North Korea—they are questioning our resolve.

Our freedoms and way of life depend upon peace. How do we maintain peace? We maintain peace through strength.

Not for the first time in our history, we find ourselves at a pivotal moment, facing what Ronald Reagan termed “a time of choosing.” I believe the choice is clear. We must chart a path to greater freedom and strength. We must remain the world’s beacon of peace and prosperity.

It requires us to get back to basics, back to our founding values. Those values have guided me as Governor, and they will guide me here. As Governor, we spent 8 years delivering on excellence.

I didn’t believe the naysayers back then when I started, and I don’t believe them now.

Government can work better, and it can do so while respecting our liberties. That is the goal I will work toward each and every day. I will strive to make the Federal Government work better for the people of this country. I will reject every effort to restrict our liberties and undermine our values.

I will work to restore transparency and faith in the Federal Government, and I will work to control spending, curb unnecessary regulation, and limit the size and scope of government. I will work to secure our borders and provide the resources to defend ourselves against our enemies. I will work to assure that we have a well-trained, well-led, and well-equipped military to defend us.

I will hold this administration and future administrations accountable to the people of Nebraska, and I will always fight for the best interests and freedoms of the Nebraskans I serve.

In spite of the challenges we face, I believe there has never been a better time to be an American. However, many don’t feel this way. We must make the American dream real for them.

Throughout history, we have risen to meet every challenge. With our founding values as our guide, we will again rise to meet the challenge of this moment.

My experience in the Senate so far has reaffirmed my faith that we have more in common than divides us. With that joy and faith in our Nation, I ask God to continue to bless the great State of Nebraska and the United States of America.

I yield the floor.

The PRESIDING OFFICER. The senior Senator from Nebraska.

Mrs. FISCHER. Madam President, I am so happy to be joined in the U.S. Senate by a Nebraska colleague as sharp, as capable, and as ready to get to work as Senator RICKETTS.

As Senator RICKETTS noted, Nebraska is what America is supposed to be. I know Senator RICKETTS cares deeply about the people of our great State and that together we will work hard to deliver results for Nebraska. Senator RICKETTS served Nebraska admirably as our Governor for two terms, and I am confident that his time in the U.S. Senate will further his legacy as an exceptional advocate for our State.

Just this month, Senator RICKETTS and I collaborated by traveling to the southern border to see firsthand the crisis that is unfolding there. We have partnered on a number of bills to push back on the Biden administration’s bureaucratic overreach, including on WOTUS, and we held a tele-townhall for our constituents.

I congratulate Senator RICKETTS on his maiden speech here in the U.S. Senate, and I look forward to many more opportunities to work together toward the interest of our home State of Nebraska.

I congratulate the Senator and welcome him to the U.S. Senate.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Madam President, I want to welcome the Senator. We get to add another plain-spoken Nebraskan to the U.S. Senate—people who bring a commonsense, clear-eyed realism, a solutions-oriented approach to the Senate. We are really grateful to have former Governor, now-Senator, PETE RICKETTS join the U.S. Senate, along with his colleague Senator DEB FISCHER. That is a powerful, powerful duo and will be a great partnership for the State of Nebraska and make great contributions to the U.S. Senate and to the betterment of our country.

And I know that, like a lot of people from their region of the world, they understand—as he pointed out in his remarks—the importance of a strong and secure America, an America that projects strength in the world, not just militarily but economically, diplomatically.

And so as we work on these issues, we face lots of challenges, lots of dangers in the world today.

I am just delighted to have another U.S. Senator who comes to us with a record of accomplishments as a Governor. He got a lot of things done when he was Governor of Nebraska. And, as a neighbor State, a State that gets an opportunity to observe—and, actually, I share almost a border with Senator FISCHER, because my hometown and her home area are literally, just as we speak, as the crow flies, in Nebraska and the Dakotas, a few miles apart.

But we know that we are going to have two people here representing that

State whom I have been able to watch, not only from afar but now up close, and just know how talented they are, how dedicated they are, and, again, just how practical and realistic and commonsensical they are about the challenges facing our country and about the solutions that we need to put in place to meet those challenges.

So congratulations on your remarks and welcome. It is great to have you here, and we look forward to serving with you, Senator RICKETTS, and to continue to serve with Senator FISHER.

The PRESIDING OFFICER. The junior Senator from Louisiana.

#### CRIME

Mr. KENNEDY. Madam President, with me today is Mr. Seth Brazier, who is one of my colleagues in my Senate office.

Madam President, I want to talk about my city today, the city of New Orleans. The city of New Orleans is iconic, and the whole world knows it.

My first job in State government was with a reform Governor, back in the late 1980s, named Governor Buddy Roemer.

Japan was doing extraordinarily well at that time economically, making many foreign investments, and Governor Roemer traveled to Japan to try to convince Japan to invest in Louisiana. And when the Governor got back, he told me: Kennedy, my first meeting was very enlightening.

He said: In my first meeting, I met with about 50 Japanese business people.

He said: I asked them how many of you have been to Louisiana?

The Governor said three of them raised their hand.

He said: Then I asked them another question. I asked these 50 Japanese business people: How many of you have been in New Orleans?

He said: Twenty-five of them raised their hand.

The city of New Orleans is iconic. Every State, every country would love to have a New Orleans. Our city was founded over 300 years ago. We are one of the oldest in America. It was founded in 1718. Our city is envied for—let’s see—our food, our music, our architecture, our diversity, our dialects, our merriment, and our festivals—for our celebration of life. In New Orleans, we dance with or without music.

But New Orleans is under attack. People there are being murdered. They are being shot. They are being raped. They are being stabbed. Their stuff is being stolen, and our quality of life is being degraded because of crime—because of crime, a cancer on our city.

I want to give you a sense of the breadth of our problem. In 2022, we had 280 murders in New Orleans. The victims ranged from six months of age to 91 years old. Ten percent of these victims were under the age of 18. Seventy percent were people of color.

Listen to this. One out of every eight Black males who live in New Orleans between the age of 15 to 24 will be shot—one out of eight. Statistically, it

is more dangerous to be young and Black in New Orleans than it was to be a marine in the battle of Fallujah during the height of the insurgency in Iraq. Those are the numbers.

Last year, my city had the highest murder rate in the country, twice the murder rate of Atlanta—twice. We had the most murders since 1996. Our murder rate was up 141 percent since 2019, and it is not just murder. Shootings in 2022 were up 88 percent from 2019, carjackings up 156 percent, armed robberies up 20 percent, and it is not much better in 2023.

Now, behind these sterile statistics are real live human beings, flesh and bones, blood and tissue.

In one of the most appalling cases that we have had, about a year ago, in an area in New Orleans that we call Mid-City, four teenagers—a 17-year-old boy, a 16-year-old girl, and two 15-year-old girls—four teenagers, carjacked a 73-year-old grandmother.

The teenagers pulled the grandmother out of the car and drove away, but the grandmother's arm got tangled in the driver's seatbelt. The teenagers kept going. They dragged her for a block until her arm was severed. This lady bled to death at the scene.

Crime in New Orleans is affecting all of us in our city—residents, visitors—every part of our city, but no one is hit harder than our low-income communities. That is true both in terms of public safety, and it is also true economically.

Most poor people are not criminals. They are not. But criminals often prey on our lower income fellow citizens, particularly in their own communities. Existing businesses then leave and they take jobs with them and unemployment goes up and we have more poverty.

And those businesses that remain in our lower income communities—they are often mom-and-pop shops with a small margin of profit—they have to pay more for insurance; they have to pay more for security; they have to pay more for credit, so they have to raise their prices, and that makes people even poorer.

That is what crime does.

We have tried—we in New Orleans, we have tried everything. We have around 900 police officers—we need 2,000—because many of our police officers retire every day.

We have tried paying higher salaries. We have tried paying better benefits. We have tried curfews. We have tried task forces. We have tried social programs. We have tried afterschool programs. We have tried crime cameras. We have tried facial recognition. We have tried conflict management. We have tried mentoring. We have tried youth clubs. We have tried job training. We have tried enhanced educational opportunities. We have tried prosecuting juveniles as adults. We have tried hotspot policing. We have tried 12-hour shifts. We have tried hiring administrative personnel to take

the paper workload off our cops to get them back on the street. You name it, and we have tried it.

We have tried everything but one thing—stop and frisk. Stop and frisk. Under the Fourth Amendment to the U.S. Constitution, a police officer may stop a suspect on the street without probable cause, and that police officer can stop that person on the street without probable cause so long as that police officer has what is called reasonable suspicion to believe that the person stopped has committed, is committing, or is about to commit a crime.

And after that person is stopped, if the police officer has reasonable suspicion to believe the person stopped might be carrying a weapon, the police officer can pat down that person on the outside of his or her clothing. That is called stop and frisk. It is a very effective law enforcement practice. It is used by police officers every day in virtually every city all across America, and it has been used since 1968.

In 1968, the U.S. Supreme Court decided a case—a very famous case—called *Terry v. Ohio*. *Terry v. Ohio*. The very liberal Chief Justice—I don't use the word "liberal" in a pejorative sense. I am just describing him as many scholarly works have. The very liberal Chief Justice Earl Warren actually wrote the opinion in *Terry v. Ohio*, and he was joined in that opinion by Justices Hugo Black, John Harlan, William Brennan, Potter Stewart, Byron White, Abe Fortas, and Thurgood Marshall. They all said together: Here is our opinion, *Terry v. Ohio*.

And what did that opinion say? That opinion said that under appropriate circumstances, stop and frisk is permissible. It is perfectly constitutional under the Fourth Amendment to the U.S. Constitution.

Now, I want you to note that a police officer cannot stop and frisk somebody on a whim, on a hunch. A cop does not have unfettered discretion.

In order for a police officer to stop a person on the street, that police officer—let me say it again—must have reasonable suspicion—reasonable suspicion—to believe that the person has committed, is committing, or is about to commit a crime.

And once again, once the person is stopped, the cop can frisk that person on the outside of his clothing—called a pat-down—only if the cop has reasonable suspicion to believe that the person stopped is carrying a weapon.

Why does this cop have this authority? To protect the cop during the questioning.

Reasonable suspicion is not a hunch. It is not a whim. It is an objective standard. It is not probable cause. You have to have probable cause to make an arrest, to conduct a search, for example, of someone's home. Probable cause is a higher standard, but reasonable suspicion is an objective standard. Reasonable suspicion exists, according to the case law, as you know, *Madam President*—reasonable suspicion exists

when an objectively reasonable police officer, given the facts and circumstances of that particular situation and considering the cop's training and experience, would suspect that a person, as I have said, has committed, is committing, or is about to commit a crime. And if probable cause is then established, of course, the person can be arrested.

Every cop in America who goes through training academy—and every cop in America does. Every cop in America knows about stop and frisk. Every cop in America is trained in the law enforcement practice of stop and frisk.

Let me give you an example: Let's suppose a police officer is driving by and he sees an individual late at night walking along the street with a coat hanger or a slim jim—do you all know what a slim jim is? It is sometimes called a lookout tool. It is a way to get into a car if you have lost your keys.

If a police officer sees someone late at night walking down the street with a coat hanger or a slim jim looking in cars, the police officer can stop that person. Can he arrest that person? No, he does not have probable cause. No crime has been committed, but he has reasonable suspicion to stop and talk to that person.

And once he stops to talk to that person, if he sees a big bulge here in his top pocket, he may have reasonable suspicion to believe that person has a weapon, and it would be dangerous for him, the police officer, to keep talking to that person. So the police officer—he can't make him take his jacket off or anything. He can just pat him down to see if there is a weapon.

Now, I repeat: Cops all over America stop and frisk suspects every single day, and they have for 50 years.

And you know who endorses it? The U.S. Supreme Court.

Now, like all police practices, it can be abused. Stop and frisk can be abused. And when it is, it can be and it should be challenged in court, and the abusing officer should be held accountable. But most officers don't abuse it.

As many people know, Mayors Rudy Giuliani and Michael Bloomberg—two New York mayors back-to-back—used stop and frisk extensively during the crimewave of the 1990s and the early part of this century to fight crime and gun violence in New York City. We have all read about that. Crime fell dramatically. Now, some have said that is due, in part, to stop and frisk. Some have said that stop and frisk had nothing to do with it. Some have said that in some cases, the New York Police Department abused stop and frisk, and those who maintain that position said that too often police officers were stopping and frisking people on the basis not of reasonable suspicion but on the basis of race or national origin. And that is wrong.

A case was filed called *Floyd v. City of New York*. *Floyd v. City of New York*. It was a class action. It was filed

against New York Mayor Bloomberg and others, alleging that the NYPD was not stopping people on the basis of reasonable suspicion but on the basis of race and national origin.

The Federal district court in that case ruled in favor of the plaintiffs. The NYPD then set about the business of reforming its stop and frisk policy, but Mayor Bloomberg left office, Mayor Bill de Blasio became mayor, and for all practical purposes, he completely stopped the practice of the stop and frisk.

So stop and frisk can be abused, and it is important to establish practices and procedures to guard against that abuse.

But let me put this another way. This is how I look at it. Some cops may have violated the legal requirements for a proper Terry v. Ohio stop and frisk. And when that happens, that may make that person a racist or at least guilty of committing a racist act. But that does not mean that the practice of stop and frisk is inherently racist. Because some knuckleheads abuse it does not mean that the practice is inherently racist.

In fact, the U.S. Supreme Court, with only one dissent, has said that, properly applied, it does not violate the Constitution of the United States and can be an effective law enforcement tool.

So when there is abuse, the abuse is on the cop. It is on the officer. And most officers don't abuse stop and frisk.

And if it is proven he did something wrong, he should be held accountable. The time has come. The time has come for my city of New Orleans to try stop and frisk. It is time.

Now, some of our public officials in New Orleans are going to probably disagree with me, and some are going to say: Well, we are using stop and frisk already.

They are. Every now and then. Sometimes. But if you go talk to the average cop on the street in the city of New Orleans—I have; I have talked to many of them—they are going to tell you: The people with the flags in their offices—the politicians and the big shots and the political hierarchy—they are discouraging us from using stop and frisk. They don't want us to use stop and frisk.

I think it is time. We tried everything else, Lord knows. It is time to allow the men and women of the New Orleans Police Department to use stop and frisk without fear of losing their jobs.

I do not believe that the New Orleans Police Department is racist. Let me say it again: I do not believe that the New Orleans Police Department is racist, systemically or otherwise. I do not believe that the average New Orleans Police Department police officer is racist. My God, the NOPD is 58 percent Black and people of color and 35 percent White.

Now, we have a Federal consent decree in New Orleans for our police de-

partment. It is between the U.S. Department of Justice and the city of New Orleans. It oversees the New Orleans Police Department or, as we call it, NOPD. It was signed and entered into by Mayor Mitch Landrieu in 2010.

The consent decree does not prohibit stop and frisk. In fact, the consent decree provides for stop and frisk. I want to quote from the consent decree:

NOPD officers may only conduct investigatory stops or detentions where the officer has reasonable suspicion that a person has been, is, or is about to be engaged in the commission of a crime.

Does that sound familiar?

That is right out of Terry v. Ohio, where the U.S. Supreme Court almost unanimously said stop and frisk, when used appropriately, is a very effective law enforcement tool.

Now, the consent decree goes on—wildly, in my opinion. It mandates a stop-and-search data collection and review procedure. So the consent decree says, if you are going to use stop and frisk, you have got to collect all the data.

I think that is a great idea.

The consent decree also requires the police officer, when he or she uses stop and frisk, to document the stop and frisk and detail the reasonable suspicion in writing—in writing. In New York, they call this report a UF-250 form. I don't know what it is called in New Orleans. They have been using stop and frisk so infrequently, I am not sure they have one. But it requires the cop who does the stop and frisk to sit down and say: Here is the suspect. I had reasonable suspicion, and here, with specificity, is why. And let me say, collecting the data and requiring the reporting after the fact is standard operating procedure. This is nothing new. It is standard operating procedure in every police department in America. It is also common sense.

There is a gentleman in New Orleans by the name of Mr. Ronald Serpas. Mr. Serpas is a former superintendent. We call our chief of police at NOPD a superintendent. He is a former NOPD superintendent. Mr. Serpas is also a former chief of the Washington State Patrol, and he is now a professor of, I think, criminology at Loyola University in New Orleans.

I don't speak for the superintendent, and I don't want to intend to. But he has written a number of articles in support of stop and frisk in New Orleans.

He has said that the NOPD today has been reduced to only responding and reacting after a crime has been committed, when the damage has been done. The former superintendent says: What we need in New Orleans is more proactive policing to prevent crime, like stop and frisk.

Now, the former superintendent has analyzed the publicly available data on the NOPD consent decree. We collect data on our consent decree. It is publicly available. In fact, the city council has put up a dashboard for the consent decree, and one of the provisions in the

dashboard has a stop-and-search feature. You can go on the stop-and-search feature on the internet and see how many stops and frisks the police department has done in the past 180 days. So you have a date, and it looks back 180 days.

This is what the former superintendent found after he analyzed the stop-and-search feature on the website. And I will give you an example; I don't know if I was clear about the 180 days.

For example, January 2, 2015, on that day, if you went back 180 days, the NOPD had conducted 32,913 stops in the prior 180 days.

Let me say that again: January 2, 2015—8 years ago—in 180 days prior, the NOPD had conducted 33,000 stops.

As of January 18, 2023, 8 years later—really 7, because it is January—NOPD had conducted 5,095—let's call it 5,000 stops over the past 180 days. So 5,000, down from 33,000; and that 5,000 is spread over 6 months. Do you see a trend here?

Now, during COVID, as you would expect, stops and frisks in New Orleans were down. People were inside. Following COVID, the stops increased—according to the superintendent who analyzed the data—increased to 14,303 in the 180 days before August 17, 2021.

So think back to August of 2021, over the prior 6 months, the NOPD did 14,303 stops. But after that day, there was an uninterrupted decline in the number of stops, down to 5,095 today.

So the stops are up here. They came down. They went down further because of COVID. They went up to 14,000 in August of 2021, and then they kept going down. That doesn't exactly, but it closely tracks crime rate in New Orleans, because stop and frisk is used to proactively prevent crime.

Look, I want you to understand. The problem in New Orleans—I love my city. I love my State. I love my city too. The problem in New Orleans is—I don't want you to think that we have thousands of previously law-abiding New Orleanians turning to crime. That is not what is going on. We don't have a bunch of law-abiding people who have now turned to crime in my city. That is not what is happening.

The problem we have is with career criminals. And they are running rampant, and our cops are spread thin. And we have some public officials—not all of them but there are some—that think cops are a bigger problem than criminals. And they think that criminals really shouldn't be prosecuted—they are not bad; they are just sick. This is America. You can believe what you want, but that is what is going on in my city. It is not a majority, but it is more than a handful.

We tried everything. We need to allow police officers to stop and frisk. We need to allow our police officers to stop and frisk. It should be carefully monitored. It should be done legally. But it should be done. We have tried everything else, everything under the sun, to stop the extreme recidivists.

Nothing has worked. And maybe this perfectly legal, very effective police practice, stop and frisk, which is used every day across America, will help.

I yield the floor to my colleague from New Hampshire.

The PRESIDING OFFICER (Mr. MURPHY). The Senator from New Hampshire.

#### RELATING TO A NATIONAL EMERGENCY DECLARED BY THE PRESIDENT ON MARCH 13, 2020

Mrs. SHAHEEN. I ask unanimous consent that notwithstanding rule XXII, the Senate proceed to the immediate consideration of Calendar No. 33, H.J. Res. 7, and that at 5:45 p.m. today it be considered read a third time, and the Senate vote on passage of the joint resolution without any intervening action or debate.

PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report the joint resolution by title.

The senior assistant legislative clerk read as follows:

A joint resolution (H. J. Res. 7) relating to a national emergency declared by the President on March 13, 2020.

There being no objection, the Senate proceeded to consider the joint resolution.

#### TRIBUTE TO DR. ARIEL MARSHALL

Mrs. SHAHEEN. Mr. President, I now get to the reason that I came to the floor today, which is to recognize and express appreciation for a member of my staff, my legislative director, Dr. Ariel Marshall. Ariel will be leaving for a new opportunity next month, and I can't let her go without thanking her for her service and sharing how much she has meant to me, to her colleagues, and to the State of New Hampshire over the past 8 years. And all you have to do is look at all of our staff from our DC office who are here on the floor as part of this recognition of Ariel.

Ariel came to my Senate office in 2015 through a congressional fellowship for scientists and engineers with an interest in public policy. As a chemist with a Ph.D. in hand, Ariel approached policymaking as if it were a research topic or an experiment. She asked questions. She identified problems. She dove into research to understand different subjects and issue areas and their relationship to one another. She formed theories based on her observations. She looked for creative ways to test her ideas and analyze her findings, and she eagerly shared her conclusions with her colleagues and with an open mind on how the process could be improved.

With her background, it is no surprise that Ariel quickly developed a reputation as a capable and friendly team player. As her fellowship came to an end, Ariel made the decision to stay on staff as a legislative assistant with a focus on energy and environmental issues.

Her responsibilities grew in a very short time when she became a senior domestic policy adviser. And when the legislative director position opened on my team, Ariel was a natural fit, and she accepted her new leadership role with her trademark positivity, grace, and good humor.

Over the last 8 years, there have been historic moments that I know will be the cornerstone of Ariel's memories in the Senate. At the top of that list—for me, anyway—is Ariel's success in getting the Shaheen-Portman—Portman-Shaheen energy efficiency bill across the finish line and signed into law.

Her steady, unwavering efforts to move that bill forward, year after year, piece by piece, should be taught to every incoming legislative staffer in the Senate. It is a study in perseverance and effectiveness.

Her work on Shaheen-Portman—and the work of others before her—is making a huge difference in the global fight against climate change.

Ariel was also instrumental during one of the most difficult, most intense, and most important crises this body has had to face—the fight against COVID. Ariel led our legislative team at a time of great uncertainty here in the Senate. She was a key negotiator of the Senate's legislative response, including the historic CARES Act. Ariel's work on that bill, particularly on the small business provisions and the PPP program—in the midst of a nationwide pandemic and a potential economic collapse—helped to save millions of jobs around the country. Her efforts kept workers employed and food on the table for countless concerned families across this country.

Finally, Ariel was also our leading negotiator throughout the bipartisan infrastructure debate during the summer and fall of 2021. Ariel was particularly integral to both the water infrastructure and broadband investments, and she spent countless late nights—and had numerous slices of cold pizza—with me, with Senator COLLINS, and with the other bipartisan members of that group.

The infrastructure bill is a huge legislative achievement. It is one that will bring countless benefits to Americans for years to come. One of its most important accomplishments was proving that Republicans and Democrats could still work together to get big things done even in this difficult political climate. This would not have happened without the work of people like Ariel, who is tough, patient, effective, and focused on making a difference.

I am proud of all of the legislative work we have accomplished over these last 8 years in my office, and Ariel's leadership has been integral to these successes.

The legislation, the negotiating, the policymaking—that is just one measure of Ariel's impact. With her background in research and chemistry, Ariel knows that it is a community, or a team, that finds innovations and

makes discoveries. That much is clear in her leadership of our legislative staff. She has shaped a team that approaches issues and problems just as she would: by asking the right questions, by searching for solutions, by evaluating all of the options, by getting the job done.

All who work with Ariel view her not only as a wealth of knowledge but also as a dear colleague, a sympathetic ear, and a treasured friend. The relationships she has built and the values she has instilled in her team—I think that is an equal part of her legacy and long tenure on my staff.

These last few weeks have been bittersweet because, while all of us are excited about what is ahead for Ariel, we will also miss her wisdom, her counsel, her can-do attitude, her humor, and her infectious laugh.

Thank you, Ariel, for giving so much to me, to your colleagues, to New Hampshire, and to the country during your service in the U.S. Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

#### ENERGY

Mrs. CAPITO. Mr. President, I rise today to talk about the importance of unleashing American energy, the consequences of President Biden's refusal to invest in American energy, the impact this is having on energy States like West Virginia and Texas, and what steps we can take to move forward to fix the mistakes made by the White House and the jeopardy that they have put our country in.

President Biden has made his stance on American energy clear since day one of his administration. As President, his policies and personnel choices have delivered on his campaign promises, and high prices are just part of the bargain. The administration has canceled pipelines, rescinded previously issued approvals for others, and raised barriers to building new ones. They have frozen oil and gas leasing and proposed raising royalties—costs that will be passed on to the consumer. The Biden EPA has continued to layer regulation on regulation, though I am pleased to report that, earlier today, through the congressional resolution, we pulled down the WOTUS rule that the EPA recently put forward last December.

These are just a few of the unreasonable and misguided policy decisions this administration has made that have led to what we are facing today.

Congressional Democrats have not been shy about their stance on an “all of the above” energy future. Look no further than the two pieces of legislation that our colleagues on the other side of the aisle boast about the most—the American Rescue Plan and the so-called Inflation Reduction Act. Just last week, while I was questioning President Biden's head of the Environmental Protection Agency, I was asking him about his Agency's budget. Administrator Regan admitted that, because of the Inflation Reduction Act,